

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT

To:

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NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

25.04.2006

Applicant's or agent's file reference
WO 21.1187

IMPORTANT NOTIFICATION

International application No.
PCT/EP2005/000930

International filing date (day/month/year)
26.01.2005

Priority date (day/month/year)
27.01.2004

Applicant

SERVICES PETROLIERS SCHLUMBERGER et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB001).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WO 21.1187		FOR FURTHER ACTION		See Form PCT/IPEA416
International application No. PCT/EP2005/000930		International filing date (day/month/year) 26.01.2005		Priority date (day/month/year) 27.01.2004
International Patent Classification (IPC) or national classification and IPC INV. E21B4/18 E21B7/06 E21B17/03 E21B41/00 E21B27/00				
Applicant SERVICES PETROLIERS SCHLUMBERGER et al				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.10 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 25.08.2005		Date of completion of this report 25.04.2006		
Name and mailing address of the international preliminary examining authority.  European Patent Office - P.O. Box 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2640 Tlx 31 651 apo nl Fax: +31 70 340 - 2016		Authorized officer Weiland, T Telephone No. +31 70 340-		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.:
PCT/EP2005/000930

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-58 as originally filed

Claims, Numbers

1-49 as originally filed

Drawings, Sheets

1/20-20/20 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2005/000930

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,30
Inventive step (IS)	Yes: Claims	
	No: Claims	1,30
Industrial applicability (IA)	Yes: Claims	1-49
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 Reference is made to the following documents:

- D1 : US 5 394 951 A (PRINGLE RONALD E ET AL) 7 March 1995 (1995-03-07)
- D2 : US 4 616 719 A (DISMUKES NEWTON B) 14 October 1986 (1986-10-14)
- D3 : US 3 888 319 A (BOURNE JR HENRY A ET AL) 10 June 1975 (1975-06-10)
- D4 : US 4 281 723 A (EDMOND TIBOR O ET AL) 4 August 1981 (1981-08-04)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 (see figures, col.3, line 15 - col.4, line 45) discloses (the references in parentheses applying to this document):

A system for drilling a lateral hole departing from a main well, the system comprising: a motor assembly including: a motor (30), an axial thruster (40), a blocking system (42), a drive shaft, a connector for transmitting the rotating torque and the axial force from the motor assembly to the drilling assembly, the drill string assembly comprising a drill pipe (28) and a drill bit (26), the connector providing a fluid communication channel between the motor assembly and an inside of the drill pipe; wherein the connector is a second connector being connectable to the drill string assembly to transmit both the axial force and the rotating torque to the drill pipe.

Documents D2-D4 cited in the search report are novelty destroying for claim 1 as well.

3. INDEPENDENT CLAIM 30

The same reasoning as under 2 applies to claim 30.

Re Item VIII.

1. The application does not meet the requirements of Article 6 PCT, because claims 1 and 30 are not clear.

- 1.1 Claims 1 and 30 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieved. It appears possible to define the subject-matter in more concrete terms, viz. in terms of how the effect is to be achieved.

This concerns the statement "so as to transmit the axial force only to the drill pipe, and to transmit the rotating torque to a further drive shaft" as well as "so as to transmit both the axial force and the rotating torque".

- 1.2 The drill string assembly comprising a drill pipe and a drill bit. It is not clear from the claim if the drill pipe is connected to the drill bit and how; in one case it is connected (second connector), in the other not (first connector). In order to carry out the teaching of the invention it seems essential to define the relation for each connector to the drill pipe and to the drill bit. Since independent claims 1 and 30 do not contain these features they do not meet the requirements following from Article 6 PCT that any independent claim must contain all the technical features essential to the definition of the invention.
- 1.3 The claims try to define a system with interchangeable two connectors that connect a drill string assembly to a motor assembly. As the claim stands now, two independent connector alternatives for a motor assembly are claimed. This is not supported by the description as required by Article 6 PCT, as their scope is broader than justified by the description and drawings. The claim should be clear in claiming two connectors for a system for drilling a lateral.